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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,013	11/06/2000	Angus Peter Robson	08059.0005	1928

7590

06/10/2003

Finnegan Henderson Farabow Garrett & Dunner  
1300 I Street NW  
Washington, DC 20005

EXAMINER

ROSENBAUM, MARK

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 06/10/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

**Office Action Summary**

Application No.

09/646,013

Applicant(s)

ROBSON, ANGUS PETER

Examiner

Mark Rosenbaum

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4/1,6-8,10-28 is/are rejected.
- 7) ☒ Claim(s) 2,3,4/2,4/3,9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.                      6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to the below rejected claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 2,3,4/2,4/3,9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Election/Restrictions***

In view of the newly filed amendment, the restriction requirement set forth in paper number 5 is hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

Claims 1,4/1,6-8,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) in view of Liebing. APA is the apparatus discussed in the first few pages of the specification. This apparatus includes a rock crusher that cannot be adjusted to render the apparatus more versatile. Liebing solves this problem by disclosing similar apparatus including the use of an adjustable mill. In order to render the apparatus more versatile, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify APA by making the crusher adjustable, taught to be desirable by Liebing. Note that Liebing is analogous art to APA in that both are centrifugal crushers. Note also that forming a layer of material adjacent the mill interior surface for wear purposes is well known in the art and of no patentable merit.

***Claim Rejections - 35 USC § 103***

Claims 10-26,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Liebing as applied to claim1 above, and further in view of Wood. The basic combination does not include anvil adjusting means to render the apparatus more versatile. Wood solves this problem by disclosing similar apparatus including the use of an adjustable anvil. In order to render the apparatus more versatile, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify APA by having the anvils adjustable, taught to be desirable by Wood. . Note also that forming a layer of material adjacent the mill interior surface for wear purposes is well known in the art and of no patentable merit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 703-308-1788. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Ostrager can be reached on 703-308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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A handwritten signature in black ink, appearing to read 'Mark Rosenbaum', written in a cursive style.

Mark Rosenbaum  
Primary Examiner  
Art Unit 3725

MR  
June 8, 2003